

AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 345

Introduced by Assembly Member McCarthy

February 11, 2003

An act to ~~amend Section 11200 of~~ repeal Section 11327.4 of, and to repeal and add Section 11327.5 of, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 345, as amended, McCarthy. CalWORKs: *sanctions*.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program for the allocation of federal funds received through the TANF program, under which each county provides cash assistance and other benefits to qualified low-income families.

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Under existing law, when an individual fails or refuses to comply with specified components of the CalWORKs program without good cause, the individual is subject to prescribed financial sanctions.

This bill would delete the existing sanction requirements. The bill would instead require, notwithstanding existing law, and subject to specified good cause exemptions, the removal of a sanctioned individual from the primary assistance unit for a specified period, or the termination of cash payments to the family, including qualified state

expenditures, until the individual resumes full participation in program activities. The bill would apply these sanctions based on whether the individual's failure to comply is partial or total, and the length of time for which the failure to comply persists.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 11200 of the Welfare and Institutions~~
2 ~~Code is amended to read:~~

3 ~~11200. This chapter shall be known, and may be cited, as the~~
4 ~~California Work Opportunity and Responsibility to Kids Act, and~~
5 ~~may also be cited as the CalWORKs program.~~

6 ~~SECTION 1. Section 11327.4 of the Welfare and Institutions~~
7 ~~Code is repealed.~~

8 ~~11327.4. (a) (1) Whenever an individual has failed or~~
9 ~~refused to comply with program requirements without good cause~~
10 ~~in a program component to which he or she is assigned and refuses~~
11 ~~to agree to or fails, without good cause, to comply with a~~
12 ~~compliance plan agreed to between the county and the participant,~~
13 ~~the individual shall be subject to sanctions specified in Section~~
14 ~~11327.5.~~

15 ~~(2) For the purposes of this article, the phrase "failed or refused~~
16 ~~to comply with program requirements" shall be limited to: failing~~
17 ~~or refusing to sign a welfare-to-work plan, participate or provide~~
18 ~~required proof of satisfactory progress in any assigned program~~
19 ~~activity, pursuant to this article, including self-initiated programs~~
20 ~~described in Section 11325.23 or accept employment; terminating~~
21 ~~employment; or reducing earnings.~~

22 ~~(b) (1) Upon determination that an individual has failed or~~
23 ~~refused to comply with program requirements, the county shall~~
24 ~~issue a notice of action effective no earlier than 30 calendar days~~
25 ~~from the date of issuance informing the individual that a sanction~~
26 ~~will be imposed if the individual fails to either attend an~~
27 ~~appointment scheduled by the county to be held within 20 calendar~~
28 ~~days of the notice, or contact the county by phone, within 20~~
29 ~~calendar days of the notice, and fails to do either of the following:~~

1 ~~(A) Provide information to the county that he or she had good~~
2 ~~cause for the refusal or failure that has led the county to make a~~
3 ~~finding of good cause for nonparticipation.~~

4 ~~(B) Agree to a compliance plan to correct the failure or refusal~~
5 ~~to comply.~~

6 ~~(2) The county shall schedule a time during which each~~
7 ~~individual who has failed or refused to comply with program~~
8 ~~requirements has an opportunity to demonstrate that he or she had~~
9 ~~good cause for that refusal or failure. The county shall schedule an~~
10 ~~appointment within 20 calendar days of the notice of action. The~~
11 ~~individual shall be allowed to reschedule the cause determination~~
12 ~~appointment once within the 20-calendar-day period.~~

13 ~~(3) The written notice of action sent by the county shall do all~~
14 ~~of the following:~~

15 ~~(A) Inform the individual of the specific act or acts that have~~
16 ~~caused the individual to be out of compliance with participation~~
17 ~~requirements.~~

18 ~~(B) Inform the individual of his or her right to assert good cause~~
19 ~~for his or her refusal or failure.~~

20 ~~(C) Inform the individual of the date and time of the scheduled~~
21 ~~appointment.~~

22 ~~(D) Provide a general definition of good cause and examples of~~
23 ~~reasons that constitute good cause for not participating in the~~
24 ~~program.~~

25 ~~(E) Inform the individual of the right to contact the county~~
26 ~~welfare department by telephone to establish good cause over the~~
27 ~~telephone in lieu of attending the appointment scheduled by the~~
28 ~~county.~~

29 ~~(F) Inform the individual of the right to reschedule the~~
30 ~~appointment once within the 20-calendar-day period.~~

31 ~~(G) Inform the individual that if good cause is not found, a~~
32 ~~compliance plan will be developed and the individual will be~~
33 ~~expected to agree to the plan or face a sanction.~~

34 ~~(H) Inform the individual of the name, telephone number, and~~
35 ~~address of state and local legal aid and welfare rights organizations~~
36 ~~that may assist the individual with the good cause and compliance~~
37 ~~plan process.~~

38 ~~(I) Describe the transportation and child care services that a~~
39 ~~person is entitled to, as needed in order to attend the appointment.~~

~~(c) If the individual fails to attend the appointment, the county shall attempt to contact the individual by telephone at the time of or after the appointment in order to establish a finding of good cause or no good cause, and, if a finding of no good cause is made, develop a compliance plan to correct the instance of nonparticipation.~~

~~(d) If the individual fails to attend the meeting and the county is not able to contact the individual in accordance with subdivision (c), and the individual fails to contact the county within the 20-calendar-day period, a sanction shall be imposed in accordance with Section 11327.5.~~

~~(e) If the individual attends the appointment or contacts the county by phone within the 20-calendar-day period and is either found by the county to have had good cause for his or her refusal or failure, or agrees to a compliance plan to correct the failure or refusal, the county shall rescind the notice of action issued pursuant to subdivision (b). If the individual agrees to a compliance plan at the appointment, the individual shall be provided a copy of the plan. If the individual agrees to a compliance plan over the telephone, a copy of the plan shall be mailed to the client.~~

~~(f) If the individual is found by the county to have had good cause for his or her refusal or failure, an instance of noncompliance shall not be considered to have occurred.~~

~~(g) If the individual is found by the county not to have had good cause, but agrees to a compliance plan and then fulfills the terms of the compliance plan, an instance of noncompliance shall not be considered to have occurred.~~

~~(h) If the individual enters into a written compliance plan, but does not fulfill the terms of the plan, and the county determines, based on available information, that the individual did not have good cause for failure to meet the terms of the plan, the county shall send a notice of action to impose a sanction. The procedures specified in subdivision (b) shall not be applicable to a sanction imposed under this subdivision.~~

SEC. 2. Section 11327.5 of the Welfare and Institutions Code is repealed.

~~11327.5.—(a) Sanctions shall be imposed in accordance with subdivision (b) or (c), as appropriate, if an individual has failed or refused to comply with program requirements without good cause~~

1 ~~and conciliation efforts, as described in Section 11327.4, have~~
2 ~~failed.~~

3 ~~(b) The sanctions provided for in subdivisions (c) and (d) shall~~
4 ~~not apply to an individual who is exempt from the requirements of~~
5 ~~this article but is voluntarily participating in the program. If such~~
6 ~~an individual engages in conduct that would bring about the~~
7 ~~actions provided for in subdivisions (c) and (d), except for his or~~
8 ~~her status as a voluntary program participant, the individual shall~~
9 ~~not be given priority so long as other individuals are actively~~
10 ~~seeking to participate.~~

11 ~~(c) Financial sanctions for failing or refusing to comply with~~
12 ~~program requirements without good cause shall cause a reduction~~
13 ~~in the family's grant by removing the noncomplying family~~
14 ~~member from the assistance unit for a period of time specified in~~
15 ~~subdivision (d).~~

16 ~~(1) For families that qualify for aid due to unemployment of the~~
17 ~~family's primary wage earner, the sanctioned parent shall be~~
18 ~~removed from the assistance unit. Unless the spouse or the family's~~
19 ~~second parent meets the provisions of subparagraph (A) of~~
20 ~~paragraph (2), if the sanctioned parent's spouse or the family's~~
21 ~~second parent is not participating in the program, both the~~
22 ~~sanctioned parent and the spouse or second parent shall be~~
23 ~~removed from the assistance unit. The county shall notify the~~
24 ~~spouse of the noncomplying participant or second parent in~~
25 ~~writing at the commencement of conciliation of his or her own~~
26 ~~opportunity to participate and the impact on sanctions of that~~
27 ~~participation.~~

28 ~~(2) (A) Except as provided in subparagraph (B), exemption~~
29 ~~criteria specified in Section 11320.3, conciliation specified in~~
30 ~~Section 11327.4, and good cause criteria specified in Section~~
31 ~~11320.31 and subdivision (f) of Section 11320.3 shall apply to the~~
32 ~~sanctioned parent's spouse or the family's second parent.~~

33 ~~(B) Exemption criteria specified in paragraphs (5) and (6) of~~
34 ~~subdivision (b) of Section 11320.3 do not apply to a spouse or~~
35 ~~second parent who is participating to avoid the sanction of the~~
36 ~~noncomplying parent.~~

37 ~~(C) If the sanctioned parent's spouse or the family's second~~
38 ~~parent chooses to participate to avoid the noncomplying parent's~~
39 ~~sanction, subsequently fails or refuses to participate without good~~

1 cause, and does not conciliate, he or she shall be removed from the
2 assistance unit for a period of time specified in subdivision (d).

3 ~~(D) If the sanctioned parent's spouse or the family's second~~
4 ~~parent is under his or her own sanction at the time of the first~~
5 ~~parent's sanction, the spouse or second parent shall not be provided~~
6 ~~the opportunity to avoid the first parent's sanction until the spouse~~
7 ~~or second parent's sanction is completed.~~

8 ~~(3) For families that qualify due to the absence or incapacity of~~
9 ~~a parent, only the noncomplying parent shall be removed from the~~
10 ~~assistance unit.~~

11 ~~(4) If the noncomplying individual is the only dependent child~~
12 ~~in the family, his or her needs shall not be taken into account in~~
13 ~~determining the family's need for assistance and the amount of the~~
14 ~~assistance payment.~~

15 ~~(5) If the noncomplying individual is one of several dependent~~
16 ~~children in the family, his or her needs shall not be taken into~~
17 ~~account in determining the family's need for assistance and the~~
18 ~~amount of the assistance payment.~~

19 ~~(d) The length of time that financial sanctions shall reduce a~~
20 ~~family's grant shall increase in the following manner:~~

21 ~~(1) The first instance of noncompliance without good cause~~
22 ~~shall result in a financial sanction. This sanction shall terminate at~~
23 ~~any point if the noncomplying participant performs the activity or~~
24 ~~activities he or she previously refused to perform.~~

25 ~~(2) The second instance of noncompliance without good cause~~
26 ~~shall result in a financial sanction for three months or until the~~
27 ~~noncomplying participant performs the activity or activities he or~~
28 ~~she previously refused to perform, whichever is longer.~~

29 ~~(3) The third and each subsequent instance of noncompliance~~
30 ~~without good cause shall result in a financial sanction for six~~
31 ~~months or until the noncomplying participant performs the~~
32 ~~activity or activities he or she previously refused to perform,~~
33 ~~whichever is longer.~~

34 ~~(e) Sanctions shall become effective on the first day of the first~~
35 ~~payment month that the sanctioned individual's needs are~~
36 ~~removed from aid under this chapter.~~

37 ~~(f) In the event this section conflicts with federal law, the~~
38 ~~department shall adopt regulations to conform to federal law.~~

39 *SEC. 3. Section 11327.5 is added to the Welfare and*
40 *Institutions Code, to read:*

1 11327.5. Notwithstanding any other provision of law, if an
2 individual in a family receiving assistance under this chapter fails
3 to engage in activities required in accordance with this chapter, or
4 other activities in accordance with the plan established for the
5 family pursuant to Section 608(b) of Title 42 of the United States
6 Code, the county shall take the following actions:

7 (a) If the failure is partial or persists for not more than one
8 month, the sanctioned individual shall be removed from the
9 primary assistance unit for that month.

10 (b) If the failure is total and persists for at least two consecutive
11 months, terminate all cash payments to the family including
12 qualified state expenditures for at least one month thereafter until
13 the individual resumes full participation in the activities, subject
14 to good cause exemptions set forth in subdivision (f) of Section
15 11320.3.

